

# LEGISLATIVE COUNCIL

## MINUTES

No. 10

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Minutes of the meeting held on Wednesday 1 December 1999 at 2:30 pm  
and Thursday 2 December 1999 at 9:00 am

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### Members present:

President

The Hon Mrs Rita FAN, GBS, JP

The Hon Kenneth TING Woo-shou, JP

The Hon James TIEN Pei-chun, JP

The Hon David CHU Yu-lin

The Hon HO Sai-chu, SBS, JP

The Hon Cyd HO Sau-lan

The Hon Edward HO Sing-tin, SBS, JP

The Hon Albert HO Chun-yan

The Hon Michael HO Mun-ka

Ir Dr the Hon Raymond HO Chung-tai, JP

The Hon LEE Wing-tat

The Hon LEE Cheuk-yan

The Hon Martin LEE Chu-ming, SC, JP

The Hon Eric LI Ka-cheung, JP

The Hon LEE Kai-ming, SBS, JP

Dr the Hon David LI Kwok-po, JP

The Hon Fred LI Wah-ming, JP

Dr the Hon LUI Ming-wah, JP (absent on 1.12.1999)

The Hon NG Leung-sing

Prof the Hon NG Ching-fai

The Hon Margaret NG

The Hon Mrs Selina CHOW LIANG Shuk-yee, JP

The Hon Ronald ARCULLI, JP

The Hon MA Fung-kwok

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon Ambrose CHEUNG Wing-sum, JP

The Hon HUI Cheung-ching

The Hon Christine LOH

The Hon CHAN Kwok-keung

The Hon CHAN Yuen-han

The Hon Bernard CHAN

The Hon CHAN Wing-chan

The Hon CHAN Kam-lam

Dr the Hon LEONG Che-hung, JP (absent on 1.12.1999)

The Hon Mrs Sophie LEUNG LAU Yau-fun, JP

The Hon LEUNG Yiu-chung

The Hon Gary CHENG Kai-nam, JP

The Hon SIN Chung-kai

The Hon Andrew WONG Wang-fat, JP

Dr the Hon Philip WONG Yu-hong

The Hon WONG Yung-kan

The Hon Jasper TSANG Yok-sing, JP

The Hon Howard YOUNG, JP

Dr the Hon YEUNG Sum

The Hon YEUNG Yiu-chung

The Hon LAU Chin-shek, JP

The Hon LAU Kong-wah

The Hon LAU Wong-fat, GBS, JP

The Hon Mrs Miriam LAU Kin-yee, JP

The Hon Ambrose LAU Hon-chuen, JP

The Hon Emily LAU Wai-hing, JP

The Hon CHOY So-yuk

The Hon Andrew CHENG Kar-foo

The Hon SZETO Wah

The Hon Timothy FOK Tsun-ting, SBS, JP

The Hon LAW Chi-kwong, JP

The Hon TAM Yiu-chung, GBS, JP

The Hon FUNG Chi-kin

Dr the Hon TANG Siu-tong, JP

**Public officers attending:**

On 1.12.1999 and 2.12.1999

The Honourable Mrs Anson CHAN, GBM, JP  
The Chief Secretary for Administration

Mr Michael SUEN Ming-yeung, GBS, JP  
Secretary for Constitutional Affairs

Mr Dominic WONG Shing-wah, JP  
Secretary for Housing

Mr David LAN Hong-tsung, JP  
Secretary for Home Affairs

Mrs Lily YAM KWAN Pui-ying  
Head, Task Force on Reorganisation of Municipal Services

On 1.12.1999 only

The Honourable Donald TSANG Yam-kuen, JP  
The Financial Secretary

Mr Rafael HUI Si-yan, GBS, JP  
Secretary for Financial Services

Mr Joseph WONG Wing-ping, GBS, JP  
Secretary for Education and Manpower

Mr Stephen IP Shu-kwan, JP  
Secretary for Economic Services

Dr YEOH Eng-kiong, JP  
Secretary for Health and Welfare

Mrs Regina IP LAU Suk-yee, JP  
Secretary for Security

Mr LEE Shing-see, JP  
Secretary for Works

On 2.12.1999 only

The Honourable Elsie LEUNG Oi-sie, JP  
The Secretary for Justice

Miss Yvonne CHOI Ying-pik, JP  
Secretary for Trade and Industry

**Clerks in attendance:**

On 1.12.1999 and 2.12.1999

Mr Ricky FUNG Choi-cheung, JP, Secretary General

Ms Pauline NG Man-wah, Assistant Secretary General (1)

Mrs Justina LAM CHENG Bo-ling, Assistant Secretary General (2)

On 2.12.1999

Mr LAW Kam-sang, JP, Deputy Secretary General

Mr Ray CHAN Yum-mou, Assistant Secretary General (3)

### Tabling of Papers

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

<u>Subsidiary Legislation</u>	<u>L.N. No.</u>
1. Road Traffic (Traffic Control) (Amendment) Regulation 1999 (gazetted on 26.11.1999)	291/99
2. Designation of Museums (Amendment) (No. 3) Order 1999 (gazetted on 26.11.1999)	292/99
3. Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) (No. 6) Order 1999 (gazetted on 26.11.1999)	293/99
4. Declaration of Markets in the Urban Council Area (Amendment) (No. 4) Declaration 1999 (gazetted on 26.11.1999)	294/99
5. Fisheries Protection (Specification of Apparatus) Notice (gazetted on 26.11.1999)	295/99
6. Provident Fund Schemes Legislation (Amendment) Ordinance 1998 (4 of 1998) (Commencement) (No. 2) Notice 1999 (gazetted on 26.11.1999)	296/99

### Other Papers

No.39 - Hong Kong Sports Development Board  
Annual Report 1998-99 (published on 24.11.1999)

Report of the Bills Committee on Protection of Wages on  
Insolvency (Amendment) Bill 1999 (published on 23.11.1999)

Report of the Bills Committee on Provision of Municipal  
Services (Reorganization) Bill (published on 25.11.1999)

### Questions

1. Hon WONG Yung-kan asked Question 1.

The Secretary for Economic Services replied.

Six Members asked supplementaries and the Secretary for Economic Services replied.

2. Hon LAU Kong-wah asked Question 2.

The Secretary for Home Affairs replied.

Four Members asked supplementaries. The Secretary for Security and the Secretary for Home Affairs replied.

3. Hon Kenneth TING asked Question 3.

The Secretary for Security replied.

Eight Members asked supplementaries and the Secretary for Security replied.

4. Hon LEUNG Yiu-chung asked Question 4.

The Secretary for Health and Welfare replied.

Six Members asked supplementaries and the Secretary for Health and Welfare replied.

As Hon CHENG Kai-nam, who was to ask Question 5, was not in the Chamber, the President called upon Ir Dr Hon HO Chung-tai to ask Question 6.

5. Ir Dr Hon HO Chung-tai asked Question 6.

The Secretary for Works replied.

Five Members asked supplementaries and the Secretary for Works replied.

6. Hon CHENG Kai-nam asked Question 5.

The Secretary for Housing replied.

Three Members asked supplementaries and the Secretary for Housing replied.

Written replies to Questions 7 to 19 were tabled for Members' information.

## **Bills**

### **First Reading**

#### **Merchant Shipping (Safety) (Amendment) Bill 1999 Dangerous Goods (Amendment) Bill 1999**

The Bills were read the first time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

### **Second Reading**

#### **Merchant Shipping (Safety) (Amendment) Bill 1999**

The Secretary for Economic Services moved the Second Reading and addressed the Council.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debate was adjourned and the Bill was referred to the House Committee.

#### **Dangerous Goods (Amendment) Bill 1999**

The Secretary for Security moved the Second Reading and addressed the Council.

Question on the Second Reading proposed. The President stated that in accordance with Rule 54(4) of the Rules of Procedure, the debate was adjourned and the Bill was referred to the House Committee.

#### **Protection of Wages on Insolvency (Amendment) Bill 1999**

### **Resumption of Second Reading debate**

The debate on the Second Reading which had been moved on 21 April 1999 resumed.

Hon Eric LI, Chairman of the Bills Committee on Protection of Wages on Insolvency (Amendment) Bill 1999, addressed the Council on the Report of the Bills Committee on the Bill.

Seven Members spoke on the Bill.

The Secretary for Education and Manpower replied.

Question on the Second Reading put and agreed to.

Bill read the second time and committed to a Committee of the whole Council.

**Committee Stage**

The Council went into Committee and considered the **Protection of Wages on Insolvency (Amendment) Bill 1999**.

Question that clause 1 stand part of the Bill proposed, put and agreed to.

Question that clause 2 stand part of the Bill proposed.

The Chairman stated that Hon Andrew CHENG and the Secretary for Education and Manpower had separately given notice to move amendments to clause 2. She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited Hon Andrew CHENG to move his amendments.

Hon Andrew CHENG moved amendments to clause 2 and addressed the Committee.

The Chairman invited the Secretary for Education and Manpower to speak on Hon Andrew CHENG's amendments as well as his own proposed amendments.

The Secretary for Education and Manpower spoke on Hon Andrew CHENG's amendments and his own proposed amendments.

Two Members spoke on the amendments and the proposed amendments.

Hon Andrew CHENG replied.

Question on the amendments moved by Hon Andrew CHENG put.

Hon Andrew CHENG claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 23 were present, eight were in favour of the amendments and 15 against them; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 27 were present, 18 were in favour of the amendments and eight against them. (Voting record in Appendix 1.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendments were negatived.

The Secretary for Education and Manpower moved an amendment to paragraph (a)(ii) of the proposed section 16(2B) in clause 2.

Question on the amendment moved by the Secretary for Education and Manpower put and agreed to.

The Secretary for Education and Manpower moved an amendment to paragraph (d)(i) of the proposed section 16(2B) in clause 2.

Question on the amendment moved by the Secretary for Education and Manpower put and agreed to.

The Secretary for Education and Manpower moved an amendment to paragraph (d)(ii) of the proposed section 16(2B) in clause 2.

Question on the amendment moved by the Secretary for Education and Manpower put and agreed to.

Question that clause 2, as amended, stand part of the Bill proposed, put and agreed to.

Question that clause 3 stand part of the Bill proposed.

The Secretary for Education and Manpower moved the deletion of subclause 1 from clause 3 and addressed the Committee.

Question on the amendment put and agreed to.

Question that clause 3, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

### **Third Reading**

The Secretary for Education and Manpower reported that

**the Protection of Wages on Insolvency (Amendment)  
Bill 1999**

had passed through Committee with amendments. He moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed, put and agreed to.

Bill read the third time and passed.

### **Provision of Municipal Services (Reorganization) Bill**

#### **Resumption of Second Reading debate**

The debate on the Second Reading which had been moved on 28 April 1999 resumed.

As Hon Andrew WONG, Chairman of the Bills Committee on Provision of Municipal Services (Reorganization) Bill, who was

to address the Council on the Bills Committee Report, was not in the Chamber, the President suspended the meeting at 5:21 pm.

The Council resumed at 5:32 pm.

Hon Andrew WONG addressed the Council on the Report of the Bills Committee on the Provision of Municipal Services (Reorganization) Bill.

20 Members spoke on the Bill.

While Dr Hon YEUNG Sum was speaking on the Bill, Hon CHENG Kai-nam raised a point of order regarding a statement made by Dr Hon YEUNG Sum in his speech. The President suspended the meeting at 8:15 pm.

The Council resumed at 8:42 pm.

The President said that she had reviewed the speech of Dr Hon YEUNG Sum. She ruled that Dr Hon YEUNG Sum's statement was not offensive to Members of the Council and asked Dr Hon YEUNG Sum to continue.

Dr Hon YEUNG Sum continued to speak on the Bill.

Another 11 Members spoke on the Bill.

The President suspended the meeting at 10:33 pm.

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The Council resumed at 9:00 am on 2 December 1999.

Three further Members spoke on the Bill.

The Secretary for Constitutional Affairs replied.

Question on the Second Reading put.

Hon LEE Wing-tat claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that 58 Members were present, 36 were in favour of the motion and 21 against it. (Voting record in Appendix 2.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Bill read the second time and committed to a Committee of the whole Council.

**Committee Stage**

The Council went into Committee and considered the **Provision of Municipal Services (Reorganization) Bill**.

Question that clauses 1 to 4, 6, 7, 12 and 13 stand part of the Bill proposed.

Five Members spoke on the motion.

The Secretary for Constitutional Affairs replied.

Question that clauses 1 to 4, 6, 7, 12 and 13 stand part of the Bill put.

Hon Martin LEE claimed a division. The Chairman then ordered the Committee to divide under Rule 47(1) of the Rules of Procedure.

The Chairman announced that 57 Members were present, 29 were in favour of the motion and 27 against it. (Voting record in Appendix 3.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Dr Hon LEONG Che-hung rose to move the following motion without notice:

That in the event of further divisions being claimed in respect of the remaining motions to be moved at the Committee Stage of the Provision of Municipal Services (Reorganization) Bill at this meeting, Rule 47(1)(c) of the Rules of Procedure be suspended so that the Chairman may order that the Committee do proceed to each of such divisions immediately after the division bell has been rung for one minute.

Question on the motion proposed, put and agreed to.

Question that clauses 5 and 8 to 11 stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved amendments to clauses 5 and 8 to 11 and addressed the Committee.

Three Members spoke on the amendments.

At 11:28 am, Hon CHENG Kai-nam requested the Chairman to suspend the meeting so as to allow Members of his Party to discuss how to vote on the amendments. The Chairman acceded to the request.

At 11:40 am, the Committee resumed.

The Secretary for Constitutional Affairs replied.

Question on the amendments put.

Hon Albert HO claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that 55 Members were present, 35 were in favour of the amendments, 18 against them and one abstained. (Voting record in Appendix 4.) Since the question was agreed by a majority of the Members present, she declared that the amendments were agreed.

Question that clauses 5 and 8 to 11, as amended, stand part of the Bill proposed, put and agreed to.

Question that schedules 1, 2 and 6 stand part of the Bill proposed.

A Member spoke on the motion.

Question that schedules 1, 2 and 6 stand part of the Bill put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that 55 Members were present, 35 were in favour of the motion, 18 against it and one abstained. (Voting record in Appendix 5.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Question that schedule 3 stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved an amendment to paragraph (c) of and the addition of paragraph (ca) to section 1 of schedule 3 and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that 55 Members were present, 35 were in favour of the amendments, 18 against them and one abstained. (Voting record in Appendix 6.) Since the question was agreed by a majority of the Members present, she declared that the amendments were agreed.

The Chairman stated that the Secretary for Constitutional Affairs had given notice to move an amendment to the proposed definition of 'health officer' in paragraph (d) of section 1 of schedule 3. Hon LEE Wing-tat had also given notice to move

an amendment to the proposed definition of 'health officer' in order to amend the English title of 'Director of Food and Environmental Hygiene' to 'Director of Food and Environmental Health' and the related English titles. She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Constitutional Affairs to move his amendment first as he was the Public Officer in charge of the Bill.

The Secretary for Constitutional Affairs moved an amendment to the proposed definition of 'health officer' in paragraph (d) of section 1 of schedule 3 and addressed the Committee.

The Chairman invited Hon LEE Wing-tat to speak on the Secretary for Constitutional Affairs' amendment as well as his own proposed amendment.

Hon LEE Wing-tat spoke on the Secretary for Constitutional Affairs' amendment and his own proposed amendment.

Two Members spoke on the amendment and the proposed amendment.

While Dr Hon LEONG Che-hung was speaking on the amendments, Hon Lee Wing-tat raised a point of order regarding Dr Hon LEONG Che-hung's speech. The Chairman suspended the meeting at 12:10 pm.

The Committee resumed at 12:16 pm.

The Chairman said that she had reviewed the speech of Dr Hon LEONG Che-hung. She stated that Dr Hon LEONG Che-hung should defer his speech until the debate on the question that schedule 3 or schedule 3 as amended, as the case may be, stand part of the Bill.

Another six Members spoke on the amendment and Hon LEE Wing-tat's proposed amendment.

The Secretary for Constitutional Affairs replied.

Question on the amendment moved by the Secretary for Constitutional Affairs put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that 54 Members were present, 29 were in favour of the amendment and 24 against it. (Voting record in Appendix 7.) Since the question was agreed by a majority of the Members present, she declared that the amendment was agreed.

The Chairman stated that as the Secretary for Constitutional Affairs' amendment had been passed, Hon LEE Wing-tat might not move his proposed amendment and other related amendments to various sections of schedules 3 and 7.

The Secretary for Constitutional Affairs moved amendments to section 360, paragraph (g)(ii) of section 366, sections 546, 555, 558 and 638 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved a further amendment to section 366 of schedule 3 and addressed the Committee.

Question on the amendment put and agreed to.

Hon LEE Wing-tat moved the addition of paragraph (da) to section 1, new section 26AA and new section 94B to schedule 3 and addressed the Committee.

Three Members and the Secretary for Constitutional Affairs spoke on the amendments.

In response to the Secretary for Constitutional Affairs, Hon LEE Wing-tat explained his proposed amendments. The Secretary for Constitutional Affairs and Hon LEE Wing-tat spoke again on the amendments.

Hon LEE Wing-tat replied.

Question on the amendments put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 25 were present, 10 were in favour of the amendments and 15 against them; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 12 were in favour of the amendments and 13 against them. (Voting record in Appendix 8.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendments were negatived.

The Secretary for Constitutional Affairs moved the addition of new sections 2A, 30A, 40A, 49A, 49B and 49C to and the amendments to sections 5, 16, 28, 47, 50, 52 and 56 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that the Secretary for Constitutional Affairs had given notice to move the addition of new section 26A to and an amendment to section 615 of schedule 3 and Hon Fred LI had also given notice to move the addition of new sections 26A and 615A to schedule 3. She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Constitutional Affairs to move his amendments first as he was the Public Officer in charge of the Bill.

The Secretary for Constitutional Affairs moved the addition of new section 26A to and the amendment to section 615 of schedule 3 and addressed the Committee.

The Chairman invited Hon Fred LI to speak on the Secretary for Constitutional Affairs' amendments as well as his own proposed amendments.

Hon Fred LI spoke on the Secretary for Constitutional Affairs' amendments and his own proposed amendments.

Three Members spoke on the amendments and Hon Fred LI's proposed amendments.

The Secretary for Constitutional Affairs replied.

Two other Members spoke, and two Members who had spoken spoke again on the amendments and the proposed amendments.

Question on the amendments moved by the Secretary for Constitutional Affairs put and negatived.

Hon Fred LI moved the addition of new sections 26A and 615A to schedule 3.

Question on the amendments moved by Hon Fred LI put and agreed to.

The Chairman stated that the Secretary for Constitutional Affairs and Hon Fred LI had separately given notice to move amendments to section 61 of schedule 3. She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Constitutional Affairs to move his amendment first as he was the Public Officer in charge of the Bill.

The Secretary for Constitutional Affairs moved an amendment to section 61 of schedule 3 and addressed the Committee.

The Chairman invited Hon Fred LI to speak on the Secretary for Constitutional Affairs' amendment as well as his own proposed amendment.

Hon Fred LI spoke on the Secretary for Constitutional Affairs' amendment and his own proposed amendment.

A Member spoke on the amendment and Hon Fred LI's proposed amendment.

The Secretary for Constitutional Affairs replied.

Question on the amendment moved by the Secretary for Constitutional Affairs put.

Hon Fred LI claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that 50 Members were present, 20 were in favour of the amendment, 27 against it and two abstained. (Voting record in Appendix 9.) Since the question was not agreed by a majority of the Members present, she declared that the amendment was negatived.

Hon Fred LI moved an amendment to section 61 of schedule 3.

Question on the amendment moved by Hon Fred LI put and agreed to.

The Secretary for Constitutional Affairs moved amendments to the proposed definition of 'prescribed fee' in paragraph (d) of section 1, section 63 of and the addition of new section 94A to schedule 3 and addressed the Committee.

Two Members spoke on the amendments.

The Secretary for Constitutional Affairs replied.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved the addition of new section 64A to and the amendments to section 66 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 75, 88 and 91 of and the addition of new sections 83A and 89A to schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to item 83B in the proposed Third Schedule in section 84 and section 87 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved further amendments to section 84 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 100, 146, 148, 149, 151, 157, 158, 165, 167, 174, 175, 219 and 224 of and the addition of new section 149A to schedule 3 and addressed the Committee.

A Member spoke on the amendments.

The Secretary for Constitutional Affairs replied.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to paragraph (a) of section 209 and paragraphs (a) and (c) of section 217 of schedule 3 and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved further amendments to sections 209 and 217 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved the addition of the heading before new section 224A and new section 224A to schedule 3 and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 233, 248, 249, 250 and 255 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

Hon Fred LI moved amendments to section 256 of schedule 3 and addressed the Committee.

A Member and the Secretary for Constitutional Affairs spoke on the amendments.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 277, 280, 296, 297, 304, 316, 325, 329 and 350 of and the addition of new section 367A to schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 379, 386, 388, 396, 401, 405, 409, 419 and 424 of and the addition of new section 396A to schedule 3 and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

Hon LEE Wing-tat moved an amendment to section 446 of schedule 3 and addressed the Committee.

The Secretary for Constitutional Affairs spoke on the amendment.

Hon LEE Wing-tat replied.

Question on the amendment put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 24 were present, five were in favour of the amendment, 17 against it and two abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 26 were present, 11 were in favour of the amendment and 14 against it. (Voting record in Appendix 10.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

The Secretary for Constitutional Affairs moved amendments to sections 448 and 465 of and the addition of new section 466A to schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

Hon Fred LI moved the addition of new section 468A to schedule 3 and addressed the Committee.

A Member spoke on the amendment.

Question on the amendment put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 475, 481, 487, 488, 489, 495, 497 and 498 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved an amendment to section 500 of schedule 3 and addressed the Committee.

Question on the amendment put and agreed to.

Hon LEE Wing-tat moved a further amendment to section 500 of schedule 3 and addressed the Committee.

A Member spoke on the amendment.

Question on the amendment put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 505, 510, 511 and 534 of and the addition of new section 502A to schedule 3 and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

Hon LEE Wing-tat moved an amendment to section 559 of schedule 3 and addressed the Committee.

The Secretary for Constitutional Affairs spoke on the amendment.

Question on the amendment put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 22 were present, seven were in favour of the amendment, 14 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 22 were present, nine were in favour of the amendment and 12 against it. (Voting record in Appendix 11.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

The Secretary for Constitutional Affairs moved amendments to sections 561 and 590 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

Hon LEE Wing-tat moved amendments to sections 591 and 597 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 593, 595, 601 and 608 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 620 and 621 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 626, 631, 632, 633 and 651 of schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 705, 721, 722 and 731 of and the addition of new section 706A to schedule 3 and addressed the Committee.

Question on the amendments put and agreed to.

Question that schedule 3, as amended, stand part of the Bill proposed.

Three Members spoke on the motion.

Question that schedule 3, as amended, stand part of the Bill put and agreed to.

Question that schedule 4 stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved amendments to sections 3(b), 7(a), 8, 10 and 11 of schedule 4 and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put and agreed to.

Question that schedule 4, as amended, stand part of the Bill proposed, put and agreed to.

Question that schedule 5 stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved amendments to sections 2, 3 and 4 and the addition of new section 12A to schedule 5 and addressed the Committee.

A Member spoke on the amendments.

Question on the amendments put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that 46 Members were present, 32 were in favour of the amendments, 12 against them and one abstained. (Voting record in Appendix 12.) Since the question was agreed by a majority of the Members present, she declared that the amendments were agreed.

Hon LEE Wing-tat moved a further amendment to section 4 of schedule 5 and addressed the Committee.

The Secretary for Constitutional Affairs spoke on the amendment.

Hon LEE Wing-tat replied.

Question on the amendment put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 25 were present, five were in favour of the amendment, 19 against it and one abstained; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, nine were in favour of the amendment and 14 against it. (Voting record in Appendix 13.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

The Chairman stated that the Secretary for Constitutional Affairs had given notice to move an amendment to section 6 of schedule 5, Hon LEE Wing-tat had given notice to move amendments to section 6 of and the addition of new section 16A to schedule 5, and Hon Ambrose CHEUNG had given notice to move an amendment to section 6 of schedule 5. She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Constitutional Affairs to move his amendment first as he was the Public Officer in charge of the Bill.

The Secretary for Constitutional Affairs moved an amendment to section 6 of schedule 5 and addressed the Committee.

At 3:55 pm, the Chairman's Deputy took the chair during the temporary absence of the Chairman.

The Deputy Chairman invited Hon LEE Wing-tat and Hon Ambrose CHEUNG to speak on the Secretary for Constitutional Affairs' amendment as well as their own proposed amendments.

Hon LEE Wing-tat and Hon Ambrose CHEUNG spoke on the Secretary for Constitutional Affairs' amendment and their own proposed amendments.

The Secretary for Constitutional Affairs replied.

At 4:05 pm, the Chairman resumed the chair.

Question on the amendment moved by the Secretary for Constitutional Affairs put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that 48 Members were present, 32 were in favour of the amendment, 14 against it and one abstained. (Voting record in Appendix 14.) Since the question was agreed by a majority of the Members present, she declared that the amendment was agreed.

The Chairman stated that as the Secretary for Constitutional Affairs' amendment had been passed, Hon LEE Wing-tat and Hon Ambrose CHEUNG might not move their amendments which were inconsistent with the decision already taken.

The Secretary for Constitutional Affairs moved the addition of new section 8A to schedule 5 and addressed the Committee.

Question on the amendment put and agreed to.

The Chairman stated that the Secretary for Constitutional Affairs and Hon LEE Wing-tat had separately given notice to move the addition of new section 8B to schedule 5. She ordered that the proposed amendments be debated together in a joint debate.

The Chairman invited the Secretary for Constitutional Affairs to move his amendments first as he was the Public Officer in charge of the Bill.

The Secretary for Constitutional Affairs moved the addition of new section 8B to schedule 5 and addressed the Committee.

The Chairman invited Hon LEE Wing-tat to speak on the Secretary for Constitutional Affairs' amendment as well as his own proposed amendment.

Hon LEE Wing-tat spoke on the Secretary for Constitutional Affairs' amendment and his own proposed amendment.

The Secretary for Constitutional Affairs replied.

Question on the amendment moved by the Secretary for Constitutional Affairs put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that 48 Members were present, 34 were in favour of the amendment and 13 against it. (Voting record in Appendix 15.) Since the question was agreed by a majority of the Members present, she declared that the amendment was agreed.

The Chairman stated that as the Secretary for Constitutional Affairs' amendment had been passed, Hon LEE Wing-tat might not move his amendment which was inconsistent with the decision already taken.

The Secretary for Constitutional Affairs moved the addition of new section 8C to schedule 5 and addressed the Committee.

Question on the amendment put and agreed to.

Hon LEE Wing-tat moved the addition of new section 8CA to schedule 5 and addressed the Committee.

The Secretary for Constitutional Affairs spoke on the amendment.

Question on the amendment put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 25 were present, five were in favour of the amendment and 20 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, nine were in favour of the amendment and 14 against it. (Voting record in Appendix 16.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

The Secretary for Constitutional Affairs moved the addition of new section 8D to schedule 5 and addressed the Committee.

Question on the amendment put and agreed to.

The Secretary for Constitutional Affairs moved the addition of new section 9A to schedule 5 and addressed the Committee.

Question on the amendment put and agreed to.

Hon LEE Wing-tat moved the addition of new section 9B to schedule 5 and addressed the Committee.

The Secretary for Constitutional Affairs spoke on the amendment.

Question on the amendment put.

Hon LEE Wing-tat claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 25 were present, six were in favour of the amendment and 19 against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 23 were present, nine were in favour of the amendment and 13 against it. (Voting record in Appendix 17.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

The Secretary for Constitutional Affairs moved amendments to sections 10 to 16 of and the addition of new sections 11A, 14A and 14B to schedule 5 and addressed the Committee.

Question on the amendments put and agreed to.

Question that schedule 5, as amended, stand part of the Bill proposed, put and agreed to.

Question that schedule 7 stand part of the Bill proposed.

The Secretary for Constitutional Affairs moved the addition of the heading before new section 1A and new section 1A to schedule 7 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 6, 36 and 47 of and the addition of the headings before new sections 44A, 65A, 83A, 89A, 93A, 93C, 105A, 105B and new sections 36A, 36B, 44A, 44B, 65A, 65B, 65C, 82A, 83A,

89A, 93A, 93B, 93C, 105A, 105B and 127A to schedule 7 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 53, 93 and 113 of schedule 7 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved amendments to sections 10, 26, 30, 37, 43 and 83 of schedule 7 and addressed the Committee.

Question on the amendments put and agreed to.

The Secretary for Constitutional Affairs moved an amendment to section 42 of schedule 7 and addressed the Committee.

Question on the amendment put and agreed to.

Hon Ambrose CHEUNG moved amendments to sections 60, 104 and 128 of schedule 7 and addressed the Committee.

A Member and the Secretary for Constitutional Affairs spoke on the amendments.

Hon Ambrose CHEUNG replied.

Question on the amendments put.

Hon Ambrose CHEUNG claimed a division. The Chairman then ordered the Committee to divide under Rule 49(5) of the Rules of Procedure.

The Chairman announced that among the Members returned by functional constituencies, 25 were present, five were in favour of the amendments and 20 against them; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 24 were present, 11 were in favour of the amendments and 12 against them. (Voting record in Appendix 18.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendments were negatived.

The Secretary for Constitutional Affairs moved the deletion of the heading before section 130, sections 130, 131 and 132 from schedule 7 and addressed the Committee.

Question on the amendments put and agreed to.

The Chairman stated that as the amendments to the heading before section 130, sections 130, 131 and 132 of schedule 7

which dealt with deletion, had been agreed, the heading before section 130, sections 130, 131 and 132 of schedule 7 were therefore deleted from the Bill.

The Secretary for Constitutional Affairs moved the addition of heading before new section 133 and new section 133 to schedule 7 and addressed the Committee.

Question on the amendments put and agreed to.

Question that schedule 7, as amended, stand part of the Bill proposed, put and agreed to.

The Council then resumed.

### **Third Reading**

The Secretary for Constitutional Affairs reported that

#### **the Provision of Municipal Services (Reorganization) Bill**

had passed through Committee with amendments. He moved that the Bill be read the third time and do pass.

Question on the Third Reading proposed.

Nine Members spoke on the motion.

Question on the Third Reading put.

The President ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that 59 Members were present, 31 were in favour of the motion and 27 against it. (Voting record in Appendix 19.) Since the question was agreed by a majority of the Members present, she declared that the motion was carried.

Bill read the third time and passed.

### **Members' Motions**

#### **Small and medium enterprises**

Hon Mrs Selina CHOW moved the following motion and addressed the Council:

That, as small and medium enterprises (SMEs) are the mainstay of Hong Kong's economy, this Council urges the Government to

provide a positive steer in areas such as financing, information provision, technical support, market development, quality support, infrastructure, environmental support and human resources development, and homogenize the strengths of the Government, the public and private organizations in order to promote the development of SMEs.

At 5:50 pm, the President's Deputy took the chair during the temporary absence of the President.

Question on the motion proposed.

12 Members and the Secretary for Trade and Industry spoke on the motion.

At 7:30 pm, the President resumed the chair.

Hon Mrs Selina CHOW replied.

Question on the motion put and agreed to.

#### **Quality of public housing**

Hon CHENG Kai-nam moved the following motion and addressed the Council:

That, as the public are losing confidence in public housing after the successive surfacing of problems of poor quality construction and substandard piling works, this Council urges the authorities to face up to the issue and adopt the following measures:

- (1) review and improve the existing mechanism for supervising construction works, including defining clearly the responsibilities of the parties concerned, penalizing substandard project consultancy firms and defaulting officials and enhancing co-operation with the relevant professional institutes, so as to ensure the effectiveness of the supervisory mechanism;
- (2) review and raise the construction, repair and maintenance standards of public housing;
- (3) improve the existing subcontracting practice; and
- (4) revise and improve the contents and arrangements of the existing training programmes for construction workers in order that the trainees can meet the industry's needs,

so as to ensure the quality of public housing and restore public confidence.

Question on Hon CHENG Kai-nam's motion proposed.

The President stated that Ir Dr Hon HO Chung-tai would move an amendment to the motion. In accordance with the Rules of Procedure, the motion and the amendment would be debated together in a joint debate.

Ir Dr Hon HO Chung-tai moved the following amendment to Hon CHENG Kai-nam's motion and addressed the Council:

To delete ", as the public are losing confidence in public housing after the successive surfacing of problems of poor quality construction and substandard piling works,"; to delete "issue and" and substitute with "problems of the poor quality of public housing and substandard piling works etc. and to expeditiously"; to add "improvement" after "adopt the following"; to add "in particular the means of supervising contracting-out projects," after "supervising construction works,"; to delete "including defining" and substitute with "and define"; to delete "," after "of the parties concerned" and substitute with "; the Housing Department should also commit to fulfilling its duty to police housing safety,"; to delete "penalizing" and substitute with "punishing"; to add "contractors and" after "substandard"; to delete "and" after "project consultancy firms" and substitute with "as well as"; to add "," after "defaulting officials"; to add "and partnership" after "and enhancing co-operation"; to add "and trade associations" after "with the relevant professional institutes"; to add "quality of construction and" after "so as to ensure the"; to add "review and" before "improve the existing subcontracting practice"; to add "and the policy of awarding contracts to the lowest bidders; (4) examine immediately the causes of the incidents of substandard piling works; conduct a thorough technical review of the designs of public housing blocks under construction and those to be built using similar types of piles, and amend the design of the superstructure including the building height, so as to ensure safety" after "improve the existing subcontracting practice"; to delete "(4)" after "; and" and substitute with "(5)"; to delete "improve" from "revise and improve" and substitute with "enhance"; to add "in consultation with the relevant trade associations and trade unions" after "existing training programmes for construction workers"; to add "the skills acquired by" after "in order that"; to add "actual" after "the trainees can meet the industry's"; and to delete ", so as to ensure the quality of public housing and restore public confidence".

Question on Ir Dr Hon HO Chung-tai's amendment to Hon CHENG Kai-nam's motion proposed.

11 Members spoke on the motion and the amendment.

Hon CHENG Kai-nam spoke on the amendment.

The Secretary for Housing spoke on the motion and the amendment.

Question on Ir Dr Hon HO Chung-tai's amendment to Hon CHENG Kai-nam's motion put.

Ir Dr Hon HO Chung-tai claimed a division. The President then ordered the Council to divide under Rule 47(1) of the Rules of Procedure.

The President announced that among the Members returned by functional constituencies, 15 were present, six were in favour of the amendment and nine against it; while among the Members returned by geographical constituencies through direct elections and by the Election Committee, 20 were present, five were in favour of the amendment and 14 against it. (Voting record in Appendix 20.) Since the question was not agreed by a majority of each of the two groups of Members present, she declared that the amendment was negatived.

Hon CHENG Kai-nam replied.

Question on Hon CHENG Kai-nam's motion put and agreed to.

#### **Next Meeting**

The President declared that the next meeting of the Council would be held on 8 December 1999 at 2:30 pm.

The Council was adjourned at 9:45 pm.

(Mrs Rita FAN)  
President

Council Chamber  
Hong Kong